

LEE COUNTY

NORTH CAROLINA

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REGULAR MEETING
OF THE
LEE COUNTY BOARD OF COMMISSIONERS
106 HILLCREST DRIVE
SANFORD, NORTH CAROLINA 27330

NOVEMBER 17, 2014

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 6 p.m. in the Commissioners' Room, First Floor, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were Amy M. Dalrymple, Dr. Ricky D. Frazier, Dr. Andre Knecht, Charles T. Parks, Kirk D. Smith, and James K. Womack. Commissioner Robert T. Reives was absent at the beginning of the meeting but joined the Board at 6:12 p.m.

Chairman Parks called the meeting to order and the following business was transacted:

Commissioner Womack delivered the invocation.

The pledge of allegiance was recited.

At this time Vice-Chairman Kirk Smith presented retiring Library Director Michael Matochik with a Resolution of Appreciation for his upcoming retirement on December 1, 2014. A copy of Mr. Matochik's Resolution is attached to these Minutes and by this reference made a part hereof.

Commissioner Smith presented Commissioners Womack and Parks with Resolutions of Appreciation for their outgoing service on the Board. Copies of both Resolutions are attached to these Minutes and by this reference made a part hereof.

Commissioner Reives joined the meeting during the above presentations.

Lee County Legislative Delegates were present and introduced: Representative Robert Reives II, Representative Brad Salmon, and Senator Ron Rabin.

The Board considered changes/additions to the Agenda. County Manager John Crumpton asked the Board to allow representatives from Duke Energy to give a presentation on plans to begin removing coal ash from four North Carolina sites to Lee County, and a Closed Session to consult with the County Attorney to discuss a client-attorney privilege matter. Commissioner Womack asked the Board to add an item to discuss an appointment to the Triangle South Workforce Development Board. Commissioner Reives asked the Board to move the New Business item for a Resolution to display a plaque in the Commissioners' Chambers stating "In God We Trust" to the Consent Agenda. With no other changes made, Commissioner Womack moved to approve the Agenda as amended. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Parks, Reives, Smith, and Womack
Nah: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Frazier moved to approve the *Consent Agenda* which consisted of the following items:

- Minutes from the November 3, 2014 Regular Meeting,
- Tax Releases and Refunds for October 2014 (copy attached),
- FDA Grant request for Environmental Health training up to \$2,000,
- Addendum for Network Connectivity for the Buggy Factory (copy attached), and
- Resolution to Display a Plaque in the Commissioners' Chamber with the Motto "In God We Trust" (copy attached)

Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

At this time the Board conducted joint public hearings with the Lee County Planning Board. Planner Althea Thompson outlined the first amendment to the jointly adopted Unified Development Ordinance (UDO) for an amendment to remove Cluster Subdivisions. Staff is proposing a minor corrective amendment to Article 4 Zoning District Regulations based on an amendment in 2007 that deleted Cluster Subdivisions in its entirety as a permitted use in the UDO.

Ms. Thompson outlined the second amendment to the jointly adopted Unified Development Ordinance (UDO) for an amendment to remove color standard for Signage in Shopping Centers/Superstores. Based on recent and past inquiries regarding the numbers of colors allowed on a common signage plan in shopping centers, staff recommends the COLOR standard be removed as an element for Common Signage Plans in Shopping Centers/Superstores.

Ms. Thompson outlined the third amendment to the jointly adopted Unified Development Ordinance (UDO) to permit Free-Standing Ice Vending Units. In 2008 and 2009 the UDO was amended to allow for free-standing ice vending units based on a new trend where such units were being placed in parking lots of shopping centers and on vacant lots as a stand-alone use. To date, two (2) ice vending machines have been installed under the adopted rules. Today, due to industry changes, the trend is geared toward smaller ice-vending machines kiosks. The larger machines are basically considered a structure due to the fact that a foundation is required to construct them. The small units are considered more like a vending machine in that they are self-supported, does not require a foundation, and are UL rated similar to a drink machine. Staff is recommending language be added to allow the ice vending machines up to 7' W x 10' D in size as an Accessory Use only in specific districts. By allowing them as an accessory use, they will be placed on lots that have been developed according to an approved site plan.

Ms. Thompson outlined the fourth amendment to the jointly adopted Unified Development Ordinance (UDO) to revise allowances for Adult Care Facilities, add a new section for Adult Day Care Facilities, and add new definitions. Staff will occasionally receive an inquiry for an Adult Day Care

facility to be established in a residential district and in an existing residential structure. Staff recommends definitions be added for "Adult Day Care Center, Adult Day Care Home, and Adult Day Care Program" as defined in the state regulations.

Ms. Amy McNeill from the Sanford Community Development Department outlined the fifth and final amendment to the jointly adopted Unified Development Ordinance (UDO) to consider permitted use matrix for "Solar Collector Facility". Staff recommended that "Solar Collector Facility" be added as a line item in Table 4.6-1 PERMITTED USE MATRIX and be permitted as Special Use granted by the Board of Adjustment for the appropriate jurisdiction with specific development standards in all zoning districts, with the exception of the R-10, R-6 and CBD districts.

Chairman Parks opened the public hearing that had been advertised for this date and time for the above referenced amendments to the UDO.

No one present spoke for (in favor) of any of the above referenced UDO amendments.

Mr. Keith Clark, 212 Acorn Drive, Sanford, spoke in opposition to the Solar Collector facility matter. Mr. Clark stated the Solar Collector facilities need to be reviewed more thoroughly before approval and that standards are not specific enough.

Chairman Parks closed the public hearing.

At this time Planning Board members and staff adjourned to the Gordon Wicker Conference Room to further discuss the above amendments. A recommendation from the Planning Board will be presented to Commissioners for consideration at the December 1st meeting.

Pursuant to N.C. General Statute §153A-52.1, Chairman Parks opened the floor for *Public Comments*. Due to the number of individuals that had signed up to speak, Chairman Parks stated *Public Comments* would only last for 30 minutes at 3 minutes per speaker. He apologized to those that would not be able to make comments. The following were allowed to speak:

1. Mr. Keith Clark, 212 Acorn Drive, Sanford (SLCPP appointment)
2. Mr. Luke Cranford, 6305 Mockingbird Lane, Sanford (Coal Ash)
3. Ms. Donna Strickland, 1708 Woodridge Drive, Sanford (Coal Ash and Fracking)
4. Ms. Arlene Jackson, 5057 Cox Mill Road, Sanford (Coal Ash)
5. Ms. Johnsie Tipton, 797 Tarpy Lane, Sanford (Coal Ash)
6. Ms. Stacy McBryde, 1121 Post Office Road, Sanford (Coal Ash)
7. Ms. Lynda Turbeville, 1514 Briarcliffe Drive, Sanford (Coal Ash)
8. Ms. Jean Craven, no address given (Coal Ash)
9. Ms. April Montgomery, 1803 Wilkins Drive, Sanford (Solar Facility Taxation)
10. Ms. Debra Champion, 222 Healing Acres Lane, Carthage (Coal Ash)

At this time Ms. Indira Everett, Government & Community Relations Director for Chatham, Durham, Lee and Orange Counties introduced Mike Hughes, Duke Energy Vice President of Government & Community Relations, Jay Whitlock, Duke Energy Project Director and Scott Sewell, Chief Operating Officer of Charha, Inc. who gave a presentation and answered questions on plans to begin removing coal ash from the Asheville Steam Electric Plant, Dan River Station (Eden), Riverbend Station (Mount Holly), and L.V. Sutton Steam Electric Plant (Wilmington) facilities to Lee County. This is a major milestone in its plan to permanently close coal ash basins and safely store coal ash generated from its North Carolina power plants. Plans and all permits must be approved by NC DENR before any excavation work can begin. Under North Carolina's Coal Ash Management Act, all basins at

those sites must be closed by August 1, 2019. It was stated that during the initial phase of work, the company plans to move approximately 5.1 million tons of ash from the four sites, approximately 30 percent of the total ash stored within 12 – 18 months following approvals and permits from DENR. The ash will be placed in the open clay pits with three layers of liners between the coal ash and the clay using the “best quality materials in the industry.” It was noted the sites are subject to strict groundwater monitoring standards set by state regulations.

At this time the Board took a 5-minute recess. Upon returning from recess, with all members present, the regular meeting resumed.

The Board considered an appointment to the Lee County Rest Home-Nursing Home Advisory Board. Clerk to the Board Gaynell Lee presented two applications for consideration for the vacant-alternate position on said Board. Commissioner Reives moved to appoint both applicants, Ms. Shirley Swann and Mr. Jeremy McClain to the Lee County Rest Home-Nursing Home Advisory Board as alternate members. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

At this time the Board was presented a power point presentation from Finance Director Lisa Minter in reference to the County's finances for the fiscal year ended June 30, 2014. Ms. Erica Brown from Martin Starnes & Associates, CPAs was present and answered questions from the Board. Ms. Hodges complemented Lee County on receiving a clean opinion which means there were no areas of concern found during the audit. No action was taken.

The Board considered a Proclamation for Farm-City Week. 4-H Director Bill Stone introduced Michelle Sellars from the Barn Busters 4-H Club who gave a presentation in reference to the 2014 Farm-City week activities which will be observed the week of November 21-27, 2014. The annual Farm-City Banquet will be held Monday, November 24th and the Ladies Farm-City Luncheon is scheduled for Wednesday, December 3rd. The local observance is co-sponsored by North Carolina Cooperative Extension and the Kiwanis Club of Sanford. Commissioner Smith moved to approve a *Proclamation Proclaiming November 21-27, 2014 as Farm-City Week*, a copy of which is attached to these Minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a request for a Digitalization Project that will allow the Environmental Health Department to come on board with the Energov Electronic Permitting System, convert paper documents to digital, and install equipment in vehicles for mobile technology implementation. IT Director Kyle Edwards stated the Environmental Health Department still relies on paper documents for their functions and daily processes. The proposed project will allow them to integrate with the City's Energov software platform that will digitize their permitting and application processes. The proposal for a partnership with Lee County Industries (LCI) would continue with LCI while allowing them to make space available that is currently occupied by years of paper documents. This would also add a layer of security to their critical records as the paper is the only copy available. Mr. Edwards stated the total start-up of services is \$45,417.06, \$1,999.00 for Energov annual support and maintenance, and

\$1,788.00 to LCI for monthly accessibility costs. After discussion, Commissioner Dalrymple moved to approve the *Environmental Health Digitalization Project* as presented, a copy of which is attached to these Minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

At this time Management Fellow Michael James presented a power point presentation on Solar Farms. Mr. James' presentation was in response to questions raised by Board members during the October 6th Commissioners' meeting. It was stated that commercial solar farms are eligible for federal, state and local tax incentives. Eighty percent (80%) of the appraised value of solar energy electric systems is exempt from local property taxes. While the exemption limits revenues to local governments, many have seen increased revenues from the farms because they have converted properties from present-use value to market value. Where land has been converted to a solar farm and is no longer being farmed, deferred taxes become due. No action was taken.

The Board considered appointments to the Sanford-Lee County Partnership for Prosperity (SLCPP). An ad ran in *The Sanford Herald* on October 31st for appointments from the following criteria:

One business executive who resides in Lee County, whose business is registered with the Chamber of Commerce, and whose business has not been late in paying taxes or in filing required tax office paperwork during the prior 3 years. This person's business must not have received any financial incentive in the past 5 years to avoid the appearance of conflict of interest.

One retired business person currently residing in Lee County who has relevant business experience in the service and retail business sectors, and who is a member of the Chamber of Commerce. This person must be current in paying all local taxes and (if still employed) the business must not have been late in filing taxes or required tax office paperwork in the past 3 years. The business must not have received any financial incentive in the past 5 years to avoid the appearance of conflict of interest.

One sitting County Commissioner will be appointed by the Chairman of the Board of Commissioners

It was noted by Chairman Parks that two (2) applications had been received for the above referenced appointments; one current business executive, and one retired business persons. Commissioner Smith moved to appoint Brian McRae from Steel & Pipe Corporation as the current business executive and Jim Womack as the retired business person to the SLCPP. Commissioner Frazier moved to defer action on the appointments until the new Board takes office on December 1st. Upon a vote of Commissioner Frazier's motion, the results were as follows:

Aye: Dalrymple, Frazier, and Reives
Nay: Knecht, Parks, Smith, and Womack

The Chairman ruled the motion had failed with a 4 to 3 vote.

Upon a vote of Commissioner Smith's motion to appoint Mr. McRae and Mr. Womack, the results were as follows:

Aye: Knecht, Parks, Smith, and Womack
Nay: Dalrymple, Frazier, and Reives

The Chairman ruled the motion had been adopted by a 4 to 3 vote. Chairman Parks stated he would allow the new Chairman elected on December 1st to make the appointment of a sitting Commissioner to the SLCPP.

The Board considered a contract for legal services for foreclosure actions on delinquent real property taxes due to the County. County Attorney Kerry Schmid asked the Board to approve the proposed contract between Lee County and the Law Offices of Harrington, Gilleland, Winstead, Feindel & Lucas, LLP for foreclosure legal services to the County. Ms. Schmid stated the County previously had a contract with ZLS Legal Services out of Trenton, NC that has expired, and based on a request of the Board of Commissioners, the Tax Office issued a RFQ for foreclosure services and received four responses. After interviewing the four law firms that responded, the local law firm of Harrington, Gilleland, Winstead, Feindel & Lucas, LLP was determined to be the most responsible bidder in the best interest of the citizens of Lee County. After discussion, Commissioner Reives moved to approve a *Contract for Legal Services for Foreclosure Actions on Delinquent Real Property Taxes Due to the County with Harrington, Gilleland, Winstead, Feindel & Lucas, LLP*, a copy of which is attached to these Minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Parks, Reives, and Smith
Nay: Womack

The Chairman ruled the motion had been adopted by a 6 to 1 vote.

The Board considered a Renewal Lease Agreement with Variety Wholesalers, Inc. County Manager John Crumpton stated the Lease between Lee County and Variety Wholesalers, Inc. for the Super 10 Store on Steele Street will expire on February 28, 2015. Variety Wholesalers is asking for a 5-year lease in place of the current 2-year lease. The new lease proposed will also provide a 90-day written termination clause and the same annual rent of \$23,000.04 plus 3.0% of gross sales in excess of \$766,666.66. After discussion, Commissioner Reives moved to approve the *Renewal Lease between Lee County and Variety Wholesalers, Inc.* as presented, a copy of which is attached to these Minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered Budget Amendment # 11/17/14/06. Finance Director Lisa Minter presented said Budget Amendment for the following departments:

Health Department – Health-Pregnancy Care Management – to roll over unspent Title XIX funds from FY 2013-14

Health Department – Health-Child Services Coordinator – to roll over unspent Title XIX funds from FY 2013-14

E-911 Fund – to appropriate additional funds for equipment for the 911 back-up system.

Commissioner Smith moved to approve *Budget Amendment # 11/17/14/06* as presented, a copy of which is attached to these Minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Womack discussed an appointment to the Triangle South Workforce Development Board that had been added at the beginning of the meeting. This vacancy will replace Mr. Ken Armstrong (Sanford Housing Authority) due to his resignation and relocation to Florida. The vacancy has been advertised and applications are due in the Clerk's office by 5 p.m., Monday, November 24, 2014. Chairman Parks suggested the Board recess the current meeting until noon, November 25th to make the appointment. Commissioner Frazier moved to make the appointment at the December 1st meeting. Commissioner Womack moved to hold a meeting at 12:00 noon, Tuesday, November 25th to make the appointment. Upon a vote of Commissioner Frazier's motion to defer action until the December 1st meeting, the results were as follows:

Aye: Dalrymple, Frazier, and Reives
Nay: Knecht, Parks, Smith, and Womack

The Chairman ruled the motion had failed with a 4 to 3 vote.

Upon a vote of Commissioner Womack's motion to meet on November 25th, the results were as follows:

Aye: Knecht, Parks, Smith, and Womack
Nay: Dalrymple, Frazier, and Reives

The Chairman ruled the motion had been adopted by a 4 to 3 vote.

Finance Director Lisa Minter presented the *Monthly Financial Report for October 2014*. No action was taken.

County Manager John Crumpton provided his *Monthly Report for November 2014*, a copy of which is attached to these Minutes and by this reference made a part hereof. Mr. Crumpton discussed a Contract Amendment with the Department of Commerce extending the completion date for the Rural Grant close-out until December 31, 2014 for the Clyde Rhyne Road close out. Commissioner Smith moved to approve for County Manager John Crumpton to sign the *Contract Amendment with the Department of Commerce* for the above referenced road close-out project until December 31st. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Mr. Crumpton discussed a Contract Extension Amendment for Atlantic Hydraulics. It was stated that Atlantic Hydraulic has not met all requirements of their Rural Center grant for building renovations.

The Company has asked the Department of Commerce, and has been granted, a two-year extension to complete the requirements. Commissioner Reives moved to authorize the County Manager to sign a *Contract Extension Amendment* extending the completion date until August 22, 2016. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously.

During the "Commissioners Comment" section of the meeting, Board members thanked Commissioners Parks and Womack for their four years of service, dedication and leadership on the Board. Commissioner Reives stated he was very proud of his voting record for the past 24 years on the Board and it was also part of the Republican Board that raised taxes in the past. He further stated we have to take care of the county in order to take care of the citizen's needs.

Commissioner Womack thanked the entire board for their support and patience and stated he would miss everyone.

Chairman Parks stated he had enjoyed his time as a County Commissioner which helped him get to know a lot of people in the County. He further stated he appreciated the Board, the County Manager and staff for all their assistance.

Commissioner Smith moved to go into Closed Session to consult with the County Attorney to protect the attorney-client privilege per N.C. General Statute §143-318.11(a)(3). Upon a vote, the results were as follows:

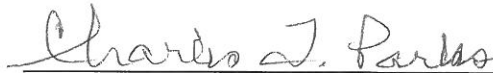
Aye: Dalrymple, Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously and the Board was in Closed Session. After completing business in Closed Session, the regular meeting resumed with all members present.

With no further business to come before the Board, Commissioner Reives moved to adjourn the meeting. Upon a vote, the results were as follows:

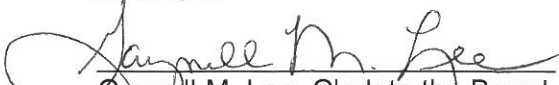
Aye: Dalrymple, Frazier, Knecht, Parks, Reives, Smith, and Womack
Nay: None

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned at 10:15 p.m.



Charles T. Parks, Chairman
Lee County Board of Commissioners

ATTEST:



Gaynell M. Lee, Clerk to the Board